

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10477 of 2014

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Madan Prasad Yadav

.... Petitioner/s

Versus

Smt. Meena Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 12-07-2016

Heard the learned counsel for petitioner.

Assail in the present writ application is to the order by which the learned court below has turned down the prayer of the petitioner for correction in the deposition.

The petitioner was examined as D.W.7 on 06.02.2014 and his deposition was recorded on the same day whereafter he put his signature below the deposition. Subsequently however on 10.02.2014 the petition was filed on behalf of the petitioner that the errors had crept in recording the deposition and the prayer was made for correction in the deposition. The learned court below however has refused the prayer after considering the facts and circumstances of the case.

After considering the submissions, it transpires that there is no statement made in the petition filed by the petitioner in the court below for seeking correction that the

signature on the deposition, after it was over, was made by the petitioner without reading and understanding the contents of the same. Though it has been submitted that the petitioner is an illiterate person but the said fact has also not been stated in the petition. In this backdrop, this Court is not inclined to interfere in the impugned order invoking jurisdiction under Article 227 of the Constitution of India.

The application is accordingly dismissed.

However, the petitioner shall be at liberty to raise his objection in this regard, if such occasion arises, in appeal in accordance with Section 105 C.P.C.

(V. Nath, J)

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